

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-498-RJC**

MOHAMMAD M. KARGARIAN,)
)
 Plaintiff,)
)
 v.)
)
 PAPA JOHN’S PIZZA,)
)
 Defendant.)
 _____)

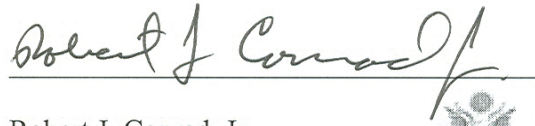
ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Dismiss, (Doc. No. 11). Defendant filed a Motion to Dismiss on November 7, 2012. (Doc. No. 8). Plaintiff did not respond and the Magistrate Judge issued an Order to Show Cause why the Complaint should not be dismissed for failure to prosecute. (Doc. No. 10). On December 4, 2012, rather than respond to Defendant’s Motion to Dismiss or to the Magistrate Judge’s Order to Show Cause, Plaintiff filed the instant Motion to Dismiss, stating “I give the Court voluntary notice to give up my Complaint.” (Doc. No. 11). The Court finds that Plaintiff has failed to prosecute his case and his Complaint shall therefore be dismissed with prejudice. See FED. R. CIV. P. 41(b).

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Motion to Dismiss, (Doc. No. 11), is **GRANTED**;
2. Defendant’s Motion to Dismiss, (Doc. No. 8), is **DISMISSED** as moot;
3. Plaintiff’s Complaint, (Doc. No. 1), is **DISMISSED** with prejudice; and
4. The Clerk is directed to close this case.

Signed: December 7, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

